

**TESTIMONY OF LAVAR ARRINGTON,
NFL LINEBACKER OF THE NEW YORK GIANTS**

MR. ARRINGTON. Thank you, Chairman Cannon. Thank you for holding this hearing today and for affording me the opportunity to testify. I would also like to thank Representative Sheila Jackson Lee both for her efforts to support this hearing and to allow me to testify before this Committee.

My comments will focus on the arbitration process of the National Football League Players Association ("NFLPA"), including its agent disciplinary proceedings.

I am testifying today on my behalf as an NFL player and as an active member of the NFLPA.

I am presently an NFL player with the New York Giants and was formerly an NFL player with the Washington Redskins for six seasons. The NFLPA's stated purpose is to act in the best interests of its players. Unfortunately, in my case, the NFLPA acted against my interest and continues to.

In 2004, I filed a grievance against the Washington Redskins which was settled on August 25, 2005 resulting in a no-fault, win-win resolution. However, that fully settled dispute with both parties acknowledging that no one was at fault became the basis of a disciplinary complaint filed against my agent, Carl Poston, by the NFLPA. This grievance against my agent was not well taken; was against my interest and should not have been filed.

After representing to Congress that a decision would be made by an arbitrator, the NFLPA proceeded in July of 2006 **to summarily suspended my agent for, in part, petitioning Congress** without providing him notice and without a hearing

I know the facts better than anyone as I have lived them. During the entire time that Mr. Poston has acted as my agent, Mr. Poston has acted honestly, appropriately, professionally and in my best interest. Specifically, Mr. Poston has acted with the highest level of professional integrity when he negotiated my December 26, 2003 player's contract with the Washington Redskins.

I have advised Gene Upshaw, Executive Director of the NFLPA, and Troy Vincent, President of the NFLPA, that the Disciplinary Complaint filed against Mr. Poston was not well founded and against my interests and that I was opposed to any proceeding brought against Mr. Poston on such basis. I requested that the Disciplinary Complaint be withdrawn, however, those requests have been ignored by the NFLPA.

The NFLPA denied Mr. Poston's and my request to attend the disciplinary hearing conducted by the NFLPA Committee on Agent Regulation and Discipline ("CARD") in Indianapolis, Indiana and, in doing so, denied Mr. Poston's right to due process and fundamental fairness. The NFLPA refused to disclose the identity of Mr. Poston's

accusers, refused to allow Mr. Poston to hear the accusations made against him, refused to allow Mr. Poston the opportunity to cross examine witnesses and refused to allow Mr. Poston an opportunity to present rebuttal evidence or testimony. Furthermore, it is my understanding that certain individual(s) at this hearing were not CARD members and that one of the CARD members that was present arrived late and did not read Mr. Poston's answer to the allegations set forth in the Disciplinary Complaint.

Mr. Poston deserves to have a neutral and unbiased arbitrator to determine whether any basis exists for the NFLPA to take away his livelihood. The NFLPA unilaterally selected the arbitrator in this matter who has consistently ruled in the NFLPA's favor with rare exceptions. Under the present NFLPA regulations regarding agent discipline, neither I nor my agent has the ability to suggest, object or offer alternatives to the selection of an arbitrator.

Furthermore, certain "facts" brought before this Committee by the NFLPA are not only unfounded but are not true. For example, on page 4 of a letter to this Committee from the NFLPA dated July 14, 2006, the NFLPA discusses the relevance of my forgiveness of certain alleged conduct of my agent. I have never been asked by Mr. Poston to forgive him, nor have I ever had the need to forgive him. I have always supported the decisions that he made and the actions that he took as my agent which relate to my career as a professional football player in the National Football League. To suggest that I forgave Mr. Poston for alleged conduct regarding a contract with the Washington Redskins is not only ludicrous but is a complete fabrication.

Finally, this Committee should further investigate the underlying reasons for the NFLPA's disciplinary actions taken against Mr. Poston which should be explored in future hearings, including my previous opting out of the NFLPA's group licensing agreement.

As a result of the NFLPA's actions against Mr. Poston and the arbitration related thereto, my abilities as player in the National Football League as well as my livelihood have been and will continue to be affected.

I would also like to join with Chairman Henry J. Hyde and Representative Sheila Jackson Lee, and request with a sense of fairness, that this Committee investigate the following issues that were included on page 2 and 3 of their June 30, 2006 joint letter to the NFLPA:

1. Require a verified complaint.
2. Changing the process by which the arbitrator is selected, to ensure that the arbitrator is neutral, impartial, and unbiased. Perhaps a system such as that used by other arbitration forums, such as the American Arbitration Association, would be more appropriate.

3. Requiring any arbitrator to make appropriate disclosures so that those who are parties to the arbitration can fairly evaluate whether the arbitrator does or does not have or does or does not appear to have an interest or potential for bias which would give rise to challenge or disqualification. That would include implementing a challenge/disqualification procedure.
4. Depending upon the severity of the sanctions sought, and particularly in circumstances when revocation of certification or suspension is sought, permitting discovery to be taken by each of the parties, which would typically include discovery from the parties as well a non-parties. Typically, that would include basic discovery tools such as depositions, document requests, and interrogatories.
5. Implementing procedures to prevent surprise at the arbitration, including identification, in advance of the arbitration, of witnesses and perhaps a brief summary of anticipated testimony, together with pre-hearing exchange of exhibits, as we often understand is engaged in other arbitration forums.
6. Providing the arbitrator with subpoena power, enforceable in a court of law, so that a person subject to potential suspension or revocation can compel others to testify.
7. Prohibiting *ex parte* communications with the arbitrators.

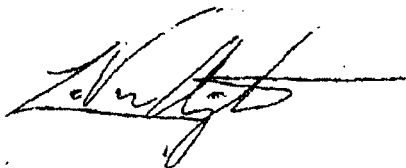
Also, I would request that Congress investigate the following additional issues:

1. Should the NFLPA have the sole authority to determine who will or will not be permitted to become an agent based upon an application with the rules being determined solely by the NFLPA?
2. The NFLPA present [or lack thereof] rule making process.

I request the opportunity to supplement my testimony. I also request that this Committee schedule additional hearings related to this matter.

Thank you for the opportunity to be a part of the record. If you or any other member of Congress wishes to obtain additional information or comments, please do not hesitate to contact me.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'LaVar Arrington', with a long horizontal flourish extending to the right.

LaVar Arrington